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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% ***Date of decision: 09th February, 2024***

+ **W.P.(CRL) 81/2024**

AMBRISH RADHESHYAM TIWARI Petitioner

Through: Mr. Bhagirath Mandaliya with
Ms.Heena Mahyavanshi, Advocates
with petitioner in person.

versus

STATE GOVT OF NCT OF DELHI & ORS. Respondents

Through: Mr. Sanjay Lao, Standing Counsel
(Crl.) with Ms. Priyam Aggarwal,
Mr. Abhinav Kumar Arya and
Mr.Shivesh Kaushik, Advocates with
SI Virender, PS Begumpur.

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MR. JUSTICE MANOJ JAIN

J U D G M E N T (oral)

1. The present writ of Habeas Corpus under Article 226 of the Constitution of India read with Section 482 Cr.P.C has been preferred by the petitioner seeking the following prayer:-

“A) This Hon'ble court may be pleased to kindly issue an appropriate Writ of habeas corpus and/or direct the present Respondents No. 2 to 6 produce the corpus i.e. Amisha @ Alish Begum – Wife of the petitioner before this Honourable Court.”

B) This Hon'ble court may be further pleased to kindly record the statement of Amisha @ Alish Begum – Wife of the petitioner and thereafter be pleased to kindly

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release her from the illegal detention / confinement of Respondent No. 4 to 6 and handover the custody of Amisha @ Alish Begum to the petitioner forthwith.”

2. On 01.02.2024, learned Standing Counsel had informed this Court that the wife of the petitioner had been contacted and she had requested to appear before this Court through video conferencing. Accordingly, she appeared through Whatsapp Video Call and stated that she did not want to go back to her husband and would like to continue to live with her parents. Petitioner, who was also present in Court that date, submitted that his wife had been tortured and was under the pressure of her parents while appearing through Whatsapp Video Call and requested for her physical appearance. Accordingly, we directed the respondent/State to produce the wife of the petitioner physically before this Court on the next date.
3. The parties are present in Court in person.
4. We have interacted with the parties in the Court as well as in the chamber. Though, the petitioner is very much interested in keeping his wife with him, however, his wife flatly refused to go with the petitioner/her husband. She reiterated that she would like to continue to live with her parents.
5. Since the wife of the petitioner is adult and is married and has taken a decision on her own, no further order is required in the present petition.
6. The wife of the petitioner also states that she has some



apprehension and wants her to be escorted back to her native place.

7. Therefore, respondent/State is directed to make arrangements to escort her to the railway station or bus stop so as to enable her to reach her native place safely. It is further directed that the petitioner shall not create any ruckus and shall not indulge in any act resulting in any untoward incident.

8. Petition is, accordingly, disposed of.

9. Parties would, however, be at liberty to take appropriate steps before the appropriate Forum as permissible under law.

(SURESH KUMAR KAIT)
JUDGE

(MANOJ JAIN)
JUDGE

FEBRUARY, 09, 2024
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